P-010

INITIAL BRIEF

OF THE

GRAND COUNCIL OF THE CREES (EEYOU ISTCHEE) /
CREE NATION GOVERNMENT

TO THE

PUBLIC INQUIRY COMMISSION
ON RELATIONS BETWEEN INDIGENOUS PEOPLES
AND CERTAIN PUBLIC SERVICES IN QUEBEC:
LISTENING, RECONCILIATION AND PROGRESS

VAL D'OR

JUNE 14, 2017

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I. SUMMARY

1. Severe poverty, lack of adequate health and social services, overcrowded and substandard housing, lack of educational and job opportunities and many other factors create health and social stresses in Indigenous communities that lead some Indigenous people to leave their communities for urban centres. There, many are at risk of homelessness, violence and abuse. These conditions are not new; they have existed for many years and, in some cases, are getting worse, not better.

2. One of the most urgent needs in Indigenous communities is the critical shortage of social housing. Until this housing shortage is addressed through concrete action, other actions will come to nothing. Until Indigenous people are no longer living 10, 12 and 20 persons in a single house, conditions commonly encountered in Northern Quebec, they will continue to fall victim to violence and abuse.

3. Until this single issue is resolved, Indigenous people will continue to be forced from their communities to urban centres, where many will be at risk of homelessness and violence. More social workers and shelter beds in the cities are necessary, but not enough. These measures reduce distress on the margin, but they will not solve the real problem.

4. The Val d'Or events have led many Indigenous people to conclude that the criminal justice system, with its complex rules of evidence and procedure, simply does not work for them. Many feel that the criminal justice system has failed them.

5. Specific and adapted mechanisms must be put in place urgently to allow Indigenous women and men to feel safe in making complaints regarding the police and criminal justice systems without fear of retaliation.

6. Of itself, the criminal justice system is not well suited to address the underlying causes and the effects of systemic discrimination. However, a system which is more inclusive of and sensitive to Indigenous peoples and their reality, values and way of life could contribute to reducing the over-representation of Indigenous people in the criminal justice system.

7. The lack of women's shelters and related programs and services in Indigenous communities force Indigenous women to seek shelter outside their communities. But shelter for them in urban centres is too often lacking, leading to homelessness and the risk of violence and abuse in the streets. The need for specialized facilities and services for women in Indigenous communities must be addressed.

8. The excessive reliance on police officers as first (and sometimes only) responders in the context of social issues involving Indigenous people in urban centres has contributed to

creating tension and mistrust between them. Other, better adapted resources must also be deployed to help address these issues.

9. Police officers need better training in the culture and realities of Indigenous peoples. Experience has shown that greater exchange between Indigenous communities and police forces can foster greater understanding, and with it, greater trust and respect, while reducing tensions and the potential for abuse.

10. More Indigenous police officers need to be recruited, trained and deployed in urban centres, without cannibalizing understaffed and underfunded police forces in Indigenous communities.

11. These problems are well known, and so are their causes. What has been lacking to date is the will to address them. That will require concerted action between federal, provincial and Indigenous authorities, and the commitment of significant new resources. Given its human cost, inaction is not an option. The work of this Commission of Inquiry can and must lead to the action that is urgently needed.

II. INTRODUCTION

12. This is the initial brief of the Grand Council of the Cree (Eeyou Istchee) and Cree Nation Government ("**GCC(EI)/CNG**") on behalf of the Cree Nation of Eeyou Istchee to the Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Quebec: Listening, Reconciliation and Progress ("**Commission**"). The Cree Nation is pleased that the Commission has been established and that is working with energy and efficiency.

13. The Commission can rely on the full and active cooperation of the Cree Nation in carrying out its important work. This work could not be more important, for the Commission's mandate requires it to look into, identify, prevent and eliminate the systemic causes of discrimination in providing public services to the Indigenous people of Quebec: police services, correctional services, justice services, health and social services as well as youth protection services.

14. The mandate of this Commission touches all the Indigenous people of Quebec and all the Cree of Eeyou Istchee. But it concerns, first and foremost, the most vulnerable among us: our mothers, daughters and sisters (and sometimes our fathers, sons and brothers, too), who have too often had to bear the weight of discrimination, marginalization and violence. We cannot and will not turn a blind eye to misconduct that harms our people; it must be eliminated.

15. This Commission's mandate turns on the words "Listening, reconciliation and progress." Listening comes before reconciliation and progress. On the first day of hearings, Madame Viviane Michel of the Native Women of Quebec stated that there can be no reconciliation until the injury is acknowledged and the victims are heard. By listening to their stories, the Commission will help restore their dignity to Indigenous women and men who have never been listened to before.

16. At the same time, the approach of the Cree Nation will be positive and orientated toward working with the Commission and other stakeholders to find solutions. That is where the Commission can add value. The problems are largely known, and so are their causes. What has been lacking is the will to address them. It is necessary to hear and acknowledge the injuries of the past, but more is needed. In the words of the Commission's mandate, "concrete, effective and durable remedial actions" are urgently needed to make the life of Indigenous people better.

17. The scope of the Commission's mandate is very wide, particularly given that it is to complete its work and submit its report not later than November 30, 2018. In practical terms, that probably leaves about one year to complete the hearings.

18. This suggests that it will be useful to draw on the research and reports that are already available and relevant to the Commission's mandate. Examples are the report and recommendations of the Truth and Reconciliation Commission and the report of the Observatory on Profiling on *The Judiciarization of Homelessness in Val d'Or*. This brief touches on a few of these reports. Other subjects will become apparent when the Commission hears from Indigenous women and other participants in Phase 2 of the hearings.

19. For purposes of context, this brief begins with a chronology of the events leading to the establishment of this Commission of Inquiry. It then presents an introduction to the Cree Nation, our people, our ancestral land, our communities and our culture. It goes on to outline Cree governance, including some major milestones, such as the *James Bay and Northern Quebec Agreement* of 1975, the first modern Aboriginal treaty in Canada. This leads to a brief overview of some key Cree entities concerned by this Commission of Inquiry. The brief then touches on some of the reports mentioned above to present the more general context relevant to the work of this Commission. It concludes with some preliminary observations.

20. Another word of context is necessary here. As a result of massive hydroelectric and resource development over the past 40 or 50 years, the Cree of Eeyou Istchee have undergone extremely rapid and profoundly disruptive cultural, social and environmental changes. These changes have caused a range of stresses for the Cree in terms of our traditional way of life, culture, environment, health, society and communities. The Cree

have shown extraordinary resilience in responding to these challenges. We have developed institutions and services to help our people in adapting to these changes. The Cree are rightly proud of our achievements in this regard. At the same time, the Cree acknowledge that this is necessarily a work in progress and that stresses remain. This brief, and the issues that it reviews, must be seen in this context.

21. Cree women and men, the Cree First Nations and other Cree entities all have their own stories, their own concerns, to share with the Commission. In particular, the Cree Board of Health and Social Services of James Bay ("**Cree Health Board**" or "**CBHSSJB**"), given its special treaty status under the *James Bay and Northern Quebec Agreement*, and its responsibilities for youth protection, social services and public health, will have an important contribution to make to the Commission. It must have the opportunity to make its own presentation in Phase 2 of the hearings.

22. Similarly, the Cree School Board, the Department of Justice and Correctional Services of the Cree Nation Government, the Eeyou Eenou Police Force, the Cree Women of Eeyou Istchee Association and other Cree entities have distinct and useful perspectives on the issues to be addressed by this Commission and should have the opportunity to make their contributions in Phase 2.

23. The GCC(EI)/CNG reserves the right, on its own behalf and that of the Cree women and men of Eeyou Istchee, the Cree First Nations and other Cree entities, to present evidence and observations and to submit written briefs in subsequent phases of the hearings.

III. CHRONOLOGY OF EVENTS

24. On May 12, 2015, the Sûreté du Quebec ("**SQ**") was advised of criminal allegations concerning certain SQ officers in Val d'Or in relation to Indigenous women. The next day, the Professional Standards Branch of the SQ in Montréal undertook an internal investigation of the allegations and the Minister of Public Security was informed of these allegations.[1]

25. On June 30, 2015, the Director General of the Val d'Or Native Friendship Centre, Édith Cloutier, sent a letter to the SQ Regional Director, with copies to three Ministers of the Government of Quebec. The correspondence refers to "serious allegations of physical and sexual abuse by police officers of the Sûreté du Quebec of vulnerable women, including Indigenous women in Val-d'Or."[2]

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1 http://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiques/detail/12710.html.

2 http://ici.radio-canada.ca/nouvelles/societe/2015/10/27/005-val-dor-martin-prudhomme-sq-femmes-autochtones-crise.shtml

26. On October 22, 2015, Radio-Canada's *Enquête* reported on a number of specific allegations by Indigenous women of serious misconduct and possible criminal offences by certain officers of the SQ Val d'Or detachment, including "Starlight Cruises", physical assault, provision of illegal drugs, and obtaining sexual services for consideration.[3]

27. On October 23, 2015, the day after the *Enquête* broadcast, and more than five months after being advised of the allegations of misconduct, the Minister of Public Security announced the suspension of eight SQ officers, including five officers from the Val d'Or detachment, and transferred the investigation from the SQ to the Montréal Police Force ("**SPVM**").[4]

28. The same day, the GCC(EI)/CNG issued a communiqué saluting the courage of the Indigenous women who brought to light the allegations of abuse. The communiqué goes on:[5]

> The confidence of the Cree and First Nations of Quebec in the Quebec judicial and public security system has been shaken to the core. It is not an investigation of the SQ in Val D'Or by their fraternity in the Montreal Police force that will address this wound. The Cree Nation Government is of the opinion that an investigation by the Royal Canadian Mounted Police (RCMP) would be the more appropriate response especially in light of the fact that what has come to light in Val d'Or is a National concern.

29. Certain questions immediately arose related to the authorities' treatment of the allegations:

(a) Why were the SQ officers concerned suspended only in October 2015 when the allegations of serious misconduct were known since May 2015?

(b) Why were the allegations of misconduct referred in May 2015 to an internal investigation by the SQ rather than to an outside police force? This question was the more pertinent in light of the recommendation of the Poitras Commission to withdraw from the SQ the mandate to investigate allegations of criminal offences involving its members:[6]

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3 http://ici.radio-canada.ca/tele/enquete/2015-2016/episodes/360817/femmes-autochtones-surete-du-quebec-sq.

4 http://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiques/detail/12710.html; *http://ici.radio-canada.ca/nouvelle/745885/lise-theriault-reaction-quebec-surete-du-quebec-femmes-autochtones-val-dor;* http://www.ledevoir.com/societe/actualites-en-societe/453433/s-o-s-pour-les-femmes-autochtones.

5 GCC(EI)/CNG Communiqué, "Reaction Of Grand Council of the Crees (Eeyou Istchee)/ Cree Nation Government to Radio-Canada Report – Enquête Concerning Abuse Of First Nations Women", October 23, 2105: http://www.gcc.ca/newsarticle.php?id=423.

6 *Rapport de la Commission d'enquête chargée de faire enquête sur la Sûreté du Quebec, Pour une police au service de l'intégrité et de la justice, Sommaire et recommandations*, Les Publications du Quebec, 1999, p. 87.

> **160.** [Que s]oit retiré à la Sûreté du Quebec le mandat d'enquêter sur les infractions criminelles imputées à ses membres, qu'il s'agisse de gestes posés dans l'exécution ou non de leurs fonctions.

30. From the day of the *Enquête* broadcast, calls arose from Indigenous communities for an independent inquiry.[7] The then leader of the Official Opposition was among those demanding an independent inquiry:[8]

> Les allégations ont été signalées au cabinet dès la mi-mai, a indiqué la ministre de la Sécurité publique, Lise Thériault, quand elle a été questionnée en Chambre par l'opposition officielle jeudi matin.
>
> Le chef péquiste Pierre Karl Péladeau a réclamé une enquête indépendante pour faire la lumière sur cette histoire. Selon lui, il en va de la confiance de la population à l'égard de la justice et des autorités policières.
>
> « Est-ce que le premier ministre considère que des enquêtes de la Sûreté du Quebec sur ses propres policiers seront de nature à rassurer la population ? […] Une enquête indépendante est la seule chose à faire pour rétablir la confiance du public », a dit le chef péquiste.

31. The Government of Quebec initially resisted these demands for an independent inquiry. Instead, it appointed Me Fannie Lafontaine as "Independent Observer" to monitor the investigation carried out by the SPVM.[9]

32. On November 15, 2016, the Independent Observer submitted her report to the Deputy Minister of Public Security, concluding that the Phase 1 investigation of the SPVM had been carried out with integrity and impartially. She observed that a criminal investigation was a necessary, but insufficient, response to a profound social crisis.[10] She also made a number of observations or recommendations, reviewed below.[11]

33. On November 18, 2016, the Director of Criminal and Penal Prosecutions ("**DPCP**") announced that, due to a lack of evidence, no criminal charges would be laid in 35 out of the 37 files investigated by the SPVM. The DPCP noted, however, that the absence of evidence did not mean that the events alleged did not happen. The two files in which

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7 http://ici.radio-canada.ca/nouvelle/745885/lise-theriault-reaction-quebec-surete-du-quebec-femmes-autochtones-val-dor.

8 http://www.ledevoir.com/societe/justice/453304/la-sq-enquete-sur-ses-policiers-pour-des-sevices-sur-des-autochtones.

9 Government of Quebec Communiqué, "A Meeting with the Assembly of First Nations of Quebec and Labrador: The premier of Quebec Philippe Couillard Announces measures to improve the living conditions of Aboriginal women", November 4, 2015: https://www.premier-ministre.gouv.qc.ca/actualites/communiques/details-en.asp?idCommunique=2814.

10 *Rapport de l'observatrice civile indépendante, Évaluation de l'intégrité et de l'impartialité des enquêtes du SPVM sur des allégations d'actes criminels visant des policiers de la SQ à l'encontre de femmes autochtones de Val-d'Or et d'ailleurs, Phase 1 des enquêtes*, pp. 10-11.

11 Paragraph 121.

charges were laid involved former Indigenous police officers for events having taken place in Schefferville between 1980 and 1994.[12]

34. The reaction among Indigenous communities was immediate: keen disappointment and anger.[13] Many felt, and still feel, that the criminal justice system, with its rules of evidence and procedure, simply does not work for Indigenous people. Many feel that the criminal justice system has failed them.

35. Grand Chief Coon Come of the GCC(EI)/CNG joined Madame Viviane Michel of the Native Women of Quebec, Regional Chief Ghislain Picard of the AFNQL, Chief Adrienne Jérôme of the Lac Simon Anishnabe Nation, Chief Adrienne Anichinapeo of the Kitcisakik First Nation and Madame Édith Cloutier of the Native Friendship Centre here in Val-d'Or, Mayor Pierre Corbeil of Val d'Or and the Eeyou Istchee James Bay Regional Government to renew calls for an independent judicial commission of inquiry.[14] In addition, the Assembly of First Nations, the Parti québécois, Quebec Solidaire, trade unions and NGO's called for an independent provincial inquiry.

36. The news media also demanded an independent provincial inquiry, distinct from the National Inquiry on Missing and Murdered Indigenous Women, to look specifically into relations between the SQ and Indigenous peoples in Quebec.[15]

37. On November 23, 2016, the Sûreté du Quebec announced the creation of a new "mixed police station" in Val d'Or. This was envisaged as a pilot project with the objective of staffing the police station with 50% SQ officers and 50% Indigenous police officers. The initiative raised questions given the existing shortage of officers and funding among Indigenous police forces from which the officers were to be recruited, as well as the small number of Indigenous police officers trained at the National Police Academy in Nicolet.[16]

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12 http://www.lechoabitibien.ca/actualites/2016/11/18/dpcp--preuves-insuffisantes-et-identites-non-confirmees.html; http://ici.radio-canada.ca/nouvelle/1000790/dpcp-policiers-enquete-spvm-sq-allegations-femmes-autochtones-actes-criminels-abitibi-shefferville; http://www.ledevoir.com/societe/actualites-en-societe/485074/dpcp-val-d-or-femmes-autochtones.

13 http://www.lechoabitibien.ca/actualites/2016/11/18/colere--deception--et-demande-denquete-a-val-dor.html; http://greibj-eijbrg.com/en/news/139-the-eijbrg-reiterates-its-demand-for-a-provincial-inquiry-on-the-relations-between-police-forces-and-indigenous-peoples; http://ici.radio-canada.ca/nouvelle/1000790/dpcp-policiers-enquete-spvm-sq-allegations-femmes-autochtones-actes-criminels-abitibi-shefferville.

14 http://www.cbc.ca/news/canada/montreal/val-d-or-geoffrey-kelley-indigenous-allegations-inquiry-1.3860319; http://www.lapresse.ca/debats/votre-opinion/201611/28/01-5045985-premieres-nations-noyer-le-poisson.php; https://www.theglobeandmail.com/opinion/the-indigenous-women-of-val-dor-deserve-equal-justice/article33074449.

15 http://www.ledevoir.com/societe/justice/485197/femmes-autochtones-a-quebec-de-prendre-ses-responsabilites.

16 http://ici.radio-canada.ca/nouvelle/1001672/sq-poste-police-communautaire-mixte-autochtone-val-dor.

38. On December 21, 2016, after protracted discussions with Indigenous leaders, the Government of Quebec adopted Order in Council 1095-2016[17] constituting the "Commission of Inquiry on Relations between Indigenous People and Certain Public Services in Quebec: Listening, Reconciliation and Progress" pursuant to section 1 of the *Act respecting public inquiry commissions*.[18]

IV. THE CREE

39. The Cree of Eeyou Istchee call ourselves "Eeyou" and "Eenou". The name means, simply, the "people". There are more than 18,000 Cree in Quebec, and almost 16,000 residing in the nine Cree communities. The five Cree First Nations located along the east coast of James Bay are Waskaganish, Eastmain, Wemindji, Chisasibi and Whapmagoostui. The four inland Cree First Nations are Waswanipi, Nemaska, Ouje-Bougoumou and Mistissini. A tenth Cree community, Washaw Sibi, is in the process of being established. And an eleventh Cree community, MoCreebec, is located at Moose Factory, at the mouth of the Moose River in northern Ontario.

40. "Eeyou Istchee", or the "the land of the people", is the traditional territory and homeland of the Cree in northern Quebec. It includes the lakes and rivers that drain into eastern James Bay and south-eastern Hudson Bay. This enormous territory embraces a wide range of environments, from the salt marshes and islands of the coastal zone to the upland areas far inland, and from the dense, coniferous forests in the southern areas to the sparsely-treed tundra farther north.

41. It is sometimes difficult for people to appreciate how profoundly the Cree are attached to the land and forest. We have inhabited Eeyou Istchee for thousands of years – it is our homeland, and we have no other. For the Cree, the lands and waters of Eeyou Istchee, the trees and plants, the animals and fish, all these are sacred. They are at the core of our way of life, our culture, our spiritual system. They nourish us in every way, physically, culturally and spiritually.

42. In Cree culture, we are the stewards of the land, the waters, the forest and the animals, and we have a special responsibility to protect them for future generations. This special relationship of the Cree with the land, the water and the animals of Eeyou Istchee explains why we have always fought so hard to protect them.

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17 *Gazette officielle du Quebec, Pt. 2*, 11 janvier 2017, pp. 24-26.

18 CQLR c. C-37.

43. The Cree have a young and rapidly growing population. Half the population is under the age of 25, while the growth rate between 2006 and 2011 has been almost 16%, more than three times that of Quebec generally.[19]

44. In 2011, the Cree language was spoken by about 94% of the Indigenous residents in Eeyou Istchee and about 85% of them spoke Cee as the main language in the home.[20]

45. Significant improvements have been made in recent years to community facilities and infrastructure. Nevertheless, the housing shortage has reached crisis proportions in the Cree communities.[21]

46. Overcrowding affects almost 20% of households in Eeyou Istchee, about 15 times the rate of 1.3% for Quebec as a whole.[22] Census data for 2006 show that Cree households comprise multiple families at a much higher rate than Quebec (16.6% vs 0.8%), while the number of persons per room is also much higher (0.7 vs 0.4).[23]

47. The housing shortage is causing difficult social and health problems. According to the last available CBHSSJB *Overview of the Health of the Population of Region 18*:[24]

> In a 2006-2007 survey, 44% of men and 50% of women reported having been physically abused in their lifetime, and 23% of men and 35% of women reported having been sexually abused. […] Suicide attempts are the top cause of female hospitalisations for injuries, and the rate of hospitalisations for suicide attempts and suicide ideation remains roughly ten times that found in the rest of Quebec.

48. In 2015-2016, the Ministry of Labour, Employment and Social Solidarity conducted a public consultation for its third action plan on solidarity and social inclusion. In January 2016, the CBHSSJB Public Health Department, with the support of the Cree Nation Government, submitted a report and recommendations taking into account analyses of health and social wellness in the Cree communities ("**Social Inclusion Report**"). It makes for disturbing reading.

49. Despite continuing efforts and some advances in recent years, the Social Inclusion Report indicates that poverty and social exclusion remain high and contribute to poor health for Indigenous people. This is equally true for the Cree of Eeyou Istchee, who are poorer and show higher rates of mental and physical health problems than Quebeckers as a whole:[25]

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19 Cree Health Board, Public Health Department, *Background summary statistical profile of health and health determinants in Eeyou Istchee for the Health Assembly*, March 11, 2016, p. 2.

20 *Ibid.*, p. 12.

21 GCC(EI)/CNG *Annual Report 2015-2016*, p. 23; see http://www.gcc.ca/pdf/GCC-CNG-Annual-Report-2015-2016.pdf.

22 *Supra*, note 19, p. 5.

23 CBHSSJB, *Overview of the Health of the Population of Region 18*; see: http://www.creehealth.org/surveillance-data/population-health.

24 http://www.creehealth.org/surveillance-data/population-health.

25 Social Inclusion Report, pp. 2-3.

> As compared to non-Indigenous people living in Quebec, people living in the Cree communities of Eeyou Istchee have on average 20% less disposable income per person (i.e. $6,454 less per person to pay for living expenses), a 4-fold slower rate of income growth over time, almost twice as high cost of living, and 3 times more low income families.
>
> Almost 2/3 of youth ages 15-24 years are not in school and almost 1/3 are unemployed, particularly males, and of those who are employed, 80% of youth suffer from job insecurity. Over 1/4 of people in Eeyou Istchee suffer food insecurity, and 1/3 of homes need major repairs, about 1/5 of pregnancies occur among women aged 19 years and younger, 38.2% of mothers do not have a high school education and infant mortality is three times higher than for Quebec overall.
>
> There are higher rates of mental health problems, particularly for youth 10-19 years for whom the top two causes of hospitalization are "emotional state" and alcohol-related. One in 5 children is signalled to youth protection each year (over 1000 cases per year), of which about 85% of cases are retained, mostly related to negligence (64%), behavioural problems (30%), physical and sexual abuse (5%), and abandonment (1%). There are a growing number of urban Aboriginal persons, many of whom lack clean and safe living conditions, and do not have enough to eat. […]
>
> Indigenous people in Eeyou Istchee are twice as likely to be hospitalized and can expect to live 4 years less on average compared to non-Indigenous persons living in Quebec.

50. The report continues:[26]

> The difficult living conditions take a toll on physical and mental health, as well as affecting social relations. Suicide by hanging is the #7 cause of death and assault by sharp object is the #13 cause of death in Eeyou Istchee from the years 2000 to 2009. The situation is particularly critical for youth ages 10-19 whereby the top two causes of hospitalization during the same period were "emotional state" and alcohol related. Suicide attempts were the 9th cause of hospitalization for this age group.

51. Unsurprisingly, poor living conditions, overcrowded housing, and social and emotional factors can lead Indigenous people to leave their communities for urban centres.[27] But there many may also find themselves at risk:[28]

> However, Indigenous people moving to urban settings often suffer from a great deal of "urban stress" such as difficulty accessing health care, discrimination, high cost of living, difficulty staying connected with Indigenous culture & ways of life, being disconnected from support structures, and so forth. Many urban Aboriginal people find themselves homeless with nowhere to go, as even the few homeless shelters for Aboriginal persons often find themselves with cash flow problems and need to shut their doors.
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> According to a survey of urban Aboriginal persons living in Montreal, a key element in finding stability is having safe and clean living conditions and enough to eat, which is the case for about 2/3 of those surveyed, whereas the other 1/3 struggle for this and either

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26 *Ibid.*, p. 16.
27 *Ibid.*, pp. 16-17.
28 *Ibid*., p. 18.

> live in spaces that are overrun by drugs and alcohol, live with an abusive partner or have no home at all and are forced to stay in a shelter.

52. This phenomenon does not exist only in Montreal. It exists in the cities and towns of Abitibi as well. The events in Val d'Or demonstrate this fact. But one can see the same stresses in any urban centre in Abitibi: Chibougamau, Chapais, Matagami, Lebel-sur-Quévillon, Amos, Rouyn all show the same pattern of Indigenous poverty, homelessness and risk of violence and abuse.

53. The Social Inclusion Report points to poverty and social exclusion, together with harms specific to Indigenous peoples, as contributing to the social and health inequities that they suffer:[29]

> There are many complex factors explaining the social and health inequities between Indigenous people and non-Indigenous people living in Quebec (and elsewhere). The literature in this area often discusses the "social determinants of health" (e.g. income, education, social support, etc.) as well as deeper "Aboriginal determinants of health" (e.g. colonization, residential school trauma, structural discrimination, etc.). According to the [WHO] Commission on the Social Determinants of Health:
>
> > "The poor health of Aboriginal peoples has to be seen in connection with the general marginalization that Indigenous peoples suffer from economically and politically... Critical factors that broadly impact the reduced health status of Aboriginal peoples in Canada include poverty, violence, poor housing and deficient physical environments… Research has shown that at least three quarters of Aboriginal women have been victims of family violence… Access to, and quality of, medical care services is not the main driver of people's health. The concept of social determinants is directed to the factors which help people stay healthy, rather than the services that help people when they are ill."

54. Of special relevance to the work of this Commission, the report identifies, among others, the following action items:[30]

- Ensuring that Indigenous persons have access to services and care on par with other citizens no matter where they find themselves in the province of Quebec
- Identifying and preventing racism and discrimination towards Indigenous persons, particularly structural racism within health, social care and justice systems

V. *JAMES BAY AND NORTHERN QUEBEC AGREEMENT*

55. In 1970, the Government of Quebec announced the massive James Bay Hydroelectric Project. This enormous project would radically affect the Cree homeland of Eeyou Istchee and our traditional way of life, based on hunting, fishing and trapping. Yet, at the

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29 *Ibid*., p. 19.
30 *Ibid*., p. 5.

time, the Cree were not consulted, nor was our consent sought. The Cree were forced to take legal proceedings to defend our rights, our environment and our way of life.

56. These proceedings led to negotiations between the Cree, the Inuit, Quebec and Canada, which culminated in the signature on November 11, 1975 of the *James Bay and Northern Quebec Agreement* ("**JBNQA**"). Since its initial signature, the JBNQA has been amended by 24 Complementary Agreements.

57. The JBNQA is the first modern Aboriginal land claims agreement and treaty in Canada. In 1982, the JBNQA received constitutional protection as a treaty under sections 35 and 52 of the *Constitution Act, 1982*.[31]

58. The JBNQA was approved, given effect to and declared valid by a law of Quebec, the *Act approving the Agreement concerning James Bay and Northern Quebec*,[32] and by a federal law, the *James Bay and Northern Quebec Native Claims Settlement Act*.[33] These laws provide that the Cree shall enjoy the rights, privileges and benefits set out in the JBNQA as statutory rights. They also provide that they shall prevail over any inconsistent law applicable in the JBNQA territory.

59. The JBNQA is a complex document, containing 30 chapters that address such varied subjects as the Cree land regime, local and regional government, health and education, justice and police, community and economic development, an innovative income security program to support Cree traditional activities and much more.

60. Since the JBNQA, the Cree have signed more than 80 major agreements with Canada, Quebec and industry. Dozens of Quebec laws have been adopted or amended to implement the JBNQA and later agreements. These agreements and the implementing legislation have created a unique legal environment for the Cree of Eeyou Istchee.

61. The JBNQA and its implementing legislation establish a comprehensive self-government regime for the Cree of Eeyou Istchee. The JBNQA provides for the creation of a wide variety of institutions and entities operated and controlled by the Cree.

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31 Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.); *Quebec (Attorney General) v. Moses*, 2010 SCC 17, [2010] 1 S.C.R. 557.

32 S.Q. 1976, c. 46, now CQLR, chapter C-67.

33 S.C. 1976-77, c. 32.

VI. CREE ENTITIES

A. CREE FIRST NATIONS

62. Nine Cree First Nations of Eeyou Istchee have been formally constituted as Cree "bands" under Section 9 of the JBNQA and the *Cree-Naskapi (of Quebec) Act*:[34] Whapmagoostui, Chisasibi, Wemindji, Eastmain, Waskaganish, Nemaska, Waswanipi, Ouje-Bogoumou and Mistissini. The Cree communities of Washaw Sibi, Quebec and MoCreebec, Ontario should also be mentioned.

63. The objects of each Cree First Nation are set out in the *Cree-Naskapi (of Quebec) Act* and include the following:[35]

(a) to act as the local government authority on its Category IA … land;

(b) to use, manage, administer and regulate its Category IA … land and the natural resources thereof;

(c) to control the disposition of rights and interests in its Category IA … land and in the natural resources thereof;

(d) to regulate the use of buildings on its Category IA … land;

(e) to use, manage and administer its moneys and other assets;

(f) to promote the general welfare of the members of the band;

(g) to promote and carry out community development and charitable works in the community;

(h) to establish and administer services, programs and projects for members of the band, other residents of Category IA … land and residents of [certain] Category III land; and

(i) to promote and preserve the culture, values and traditions of the Crees.

64. The Cree First Nations act through their elected Chiefs and councils.[36] They have jurisdiction to make by-laws of a local nature for the good government of their Category IA lands and of the inhabitants of such land, and for the general welfare of their members,[37] including on such matters as the following:

(a) the administration of band affairs and the internal management of the band;

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34 S.C. 1984, c. 18 ("**CNQA**").
35 CNQA, s. 21.
36 *Ibid.*, ss. 25-27.
37 *Ibid.*, ss. 45 ff.

(b) the regulation of buildings for the protection of public health and safety, including the construction, maintenance, repair and demolition of buildings;

(c) health and hygiene, including

(i) the prevention of overcrowding of residences,

(ii) the sanitary condition of public and private property,

(iii) the control or prohibition of activities or undertakings that constitute a danger to public health;

(d) public order and safety;

(e) the protection of the environment, including natural resources;

(f) the prevention of pollution; and

(g) the definition of nuisances and the control and prohibition of nuisances.

B. GRAND COUNCIL OF THE CREES (EEYOU ISTCHEE)/CREE NATION GOVERNMENT

65. The Grand Council of the Crees (Eeyou Istchee) ("**GCC(EI)**") is the Cree signatory to the JBNQA treaty. Its members are all the Cree beneficiaries under the JBNQA.

66. Under its corporate charter and General By-Law, the objects of the GCC(EI) include representing the Crees and Cree First Nations; assisting the Crees in exercising and protecting their rights and interests; and dealing with governments and authorities in relation to the rights and interests of the Crees.

C. CREE NATION GOVERNMENT

67. The Cree Nation Government ("**CNG**") was established in 1978 pursuant to Section 11A of the JBNQA and the *Act respecting the Cree Regional Authority*[38], now the *Act respecting the Cree Nation Government*[39]. The CNG is the "Cree Native Party" and formal representative of the Cree beneficiaries for the purposes of the JBNQA. It works with the GCC(EI) to promote and protect the Aboriginal and treaty rights of the Crees of Eeyou Istchee.

68. The members of the CNG are the Crees of all the Cree communities of Eeyou Istchee as well as the Cree communities themselves. The objects of the CNG include, among other things:

(a) working toward the solution of the problems of the Crees and, for such purposes, dealing with all governments, public authorities and persons;

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38 S.Q. 1978, c. 89.

(b) assisting the Crees in the exercise of their rights and in the defence of their interests; and

(c) establishing and maintaining a regional police force.

69. The GCC(EI)/CNG have responsibility, as signatory and Cree Native Party to JBNQA, for ensuring the proper implementation of the JBNQA, including the following chapters:

(a) Section 14, Cree Health and Social Services, in collaboration with the Cree Board of Health and Social Services of James Bay;

(b) Section 16, Cree Education, in collaboration with the Cree School Board;

(c) Section 18, Administration of Justice – Crees;

(d) Section 19, Police – Crees; and

(e) Section 28, Economic and Social Development – Crees.

70. Under the *Agreement concerning a New Relationship Agreement between the Government of Quebec and the Crees of Quebec* of 2002, commonly called the "*Paix des Braves*", the CNG assumed certain responsibilities of Quebec under the JBNQA respecting economic and community development.

71. Under the *Agreement concerning a New Relationship Agreement between the Government of Canada and the Cree of Eeyou Istchee* of 2008 ("**Federal NRA**"), the CNG assumed certain responsibilities of Canada under the JBNQA, including with respect to certain aspects of the administration of justice and economic and community development, including sanitation facilities, fire departments and environmental protection.[40]

72. The Federal NRA also provided for amendments of the *Cree-Naskapi (of Quebec) Act* to enable the CNG to make by-laws of a regional nature for the purpose of establishing minimum regional standards applicable on Category IA land regarding:[41]

(a) the regulation of buildings for the protection of public health and safety;

(b) essential sanitation, sanitation facilities and housing;

(c) the establishment, maintenance and operation of fire departments;

(d) the protection of the environment, including natural resources; and

(e) the prevention of pollution.

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39 CQLR c. G-1.031.
40 Federal NRA, s. 4.3.
41 *Ibid.*, s. 3.3.

73. The *Cree – Quebec Governance Agreement*[42] of 2012 resolved a dispute between the Cree and Quebec arising from the exclusion of the Cree from the governance of Eeyou Istchee. It did so by establishing a new partnership in governance between the Cree and Quebec. Under this partnership, the CNG exercises jurisdiction under Quebec laws on Category II lands with respect to municipal management, land and resource planning and management and economic development. Under this Agreement, the Cree have also become equal partners in the Eeyou Istchee James Bay Regional Government with jurisdiction on Category III lands.

74. The CNG has established and operates a number of departments providing specialized services to the Crees and Cree First Nations in areas directly relevant to the mandate of the Commission. Among these departments are the following.

1. Justice and Correctional Services

75. Section 18 of the JBNQA is entitled "Administration of Justice – Crees". This Section establishes important principles and provides specific guarantees for the Crees. It also defines the role and responsibilities, particularly those of the Government of Quebec, in respect of the administration of justice for the Crees and in Cree communities of Eeyou Istchee.

76. Implementation of Section 18 of the JBNQA began more fully only recently. Under the *Paix des Braves* (2002), a commitment had been made to resolve between the Cree Nation and Quebec their differences related to the implementation of Section 18 of the JBNQA. On May 30, 2007, the Government of Quebec and the Crees signed the *Agreement concerning the Administration of Justice for the Crees* ("**Justice Agreement**"). This Agreement has finally provided resources to the Cree Nation Government to improve the administration of justice for Crees and in the Cree communities and to address other matters related to justice and correctional services for the Crees.

77. In 2008, the CNG established a Department of Justice and Correctional Services ("**Justice Department**"). When fully staffed, the Justice Department comprises over 50 employees and professionals, including a director, coordinators, community justice officers, court liaison workers, a justice administrator, CAVAC workers, parajudicial court workers, prevention program officers, community reintegration officers, a corrections liaison officer, a specialist in detention environment, a department psychologist, a corrections release support worker, a corrections administrator, program specialists and support staff.

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42 http://www.autochtones.gouv.qc.ca/relations_autochtones/ententes/cris/entente-20120724-en.pdf.

78. The Justice Department has established various programs and carries out projects and initiatives in the areas of crime prevention, youth engagement, corrections, rehabilitation, conflict resolution and legal information and training.

79. The Justice Department has helped the Cree communities establish their own local justice committees. It works with regional entities and government authorities on a wide range of projects and services. For example, the Justice Department is responsible for the Assistance Program for Victims of Crime (*Centre d'aide aux victimes d'actes criminels – CAVAC*) in the Cree communities.

80. Funding under the Justice Agreement has made possible the construction by the CNG of justice facilities in all the Cree communities. These facilities allow the Court of Quebec and the Superior Court to have more regular sittings and to hear a wide range of cases, including penal, civil and family matters, in the Cree communities.

81. Finally, the Justice Department has initiated two key projects recently that led the CNG and the Cree Health Board to build and operate in Eeyou Istchee two women's shelters as well as a youth facility. Over the years, the lack of women's shelters and related programs and services in Eeyou Istchee forced a number of Cree women to seek shelter outside Cree communities, including in Val-d'Or and Montreal. Construction of the women's shelter in Waswanipi is now completed, and the facility will be officially opened shortly. Construction of a women's shelter in Waskaganish is expected to be completed in 2018.

82. The youth facility will form part of a larger plan, which will include a group home, a camp for the bush program, and healing homes. The services to be provided by the youth facility will be adapted to different youth, including boys, girls, and youth subject to various measures under the *Youth Protection Act* (Quebec)[43] or the *Youth Criminal Justice Act* (Canada).[44]

83. The women's shelters and the youth facility have both been contemplated in Section 18 of the JBNQA since 1975. Their construction and operation in Cree communities is now made possible through the efforts of the CNG Justice Department, recommendations of the Cree-Quebec Judicial Advisory Committee, the partnership of the Cree Health Board and Cree First Nations, and resources provided by the Justice Agreement.

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43 CQLR, c. P-34.1

44 S.C. 2002, c. 1.

2. Eeyou Eenou Police Force

84. The Cree Nation Government has established the Eeyou Eenou Police Force ("**EEPF**") as a regional police pursuant to Section 19 of the JBNQA and the *Police Act* (Quebec).[45] The EEPF is responsible for providing police services in all nine Cree communities. It may, in collaboration with the SQ and by arrangement agreed between the CNG and Quebec, assume responsibility for certain police services outside the Cree communities. The EEPF is dedicated to delivering police services in partnership with the Cree communities to ensure the security of the residents of Eeyou Istchee. In 2015, the EEPF had around 75 officers.

3. Child and Family Services

85. The CNG Department of Child and Family Services is based in Mistissini and serves all nine Cree communities. It provides childcare services by Cree personnel in the Cree language, using culturally appropriate tools. The Department's work also includes ensuring that the childcare centres and Head Start programs reflect the communities' cultural values, beliefs, and traditions. The Department's regional staff provides technical and professional support to staff and board members of the nine child and family services centres. At the end of 2015-2016, more than 350 Crees worked in child and family service centres. More than two-thirds of the persons working as educators now hold college-level diplomas.

D. CREE BOARD OF HEALTH AND SOCIAL SERVICES OF JAMES BAY

86. The Cree Health Board is a unique institution of Indigenous governance in health and social services. It was established pursuant to Section 14 of the JBNQA, a treaty protected by the *Constitution Act, 1982*. The Cree Health Board is the only health and social services institution in Quebec governed by its own statute, the *Act respecting health services and social services for Cree Native persons*.[46]

87. The Cree have special treaty rights to health and social services under the JBNQA. Section 14 explicitly requires Quebec to recognize and take account of the exceptional difficulties of providing health and social services in the North. This undertaking requires measures to facilitate recruiting and retaining staff by ensuring working conditions and benefits sufficiently attractive to encourage personnel from outside Region 18 to accept posts for extended periods.

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45 CQLR, c. P-13.1.

46 CQLR, c. S-5.

88. In 2005 and again in 2012, the Cree Health Board and GCC(EI)/CNG concluded an Agreement with Quebec to resolve certain issues concerning Section 14 of the JBNQA. This Agreement requires the implementation of the Board's Strategic Regional Plan and provides a multi-year funding framework to do so. This Strategic Plan focuses on the delivery of first-line health and social services in the Cree communities.

89. The unique cultural, geographic, political and legal factors of Eeyou Istchee and the Cree Health Board are crucial to understanding how health and social services must be organized and delivered. Since the health status of the Cree is one of the worst in Quebec, the medical and other staff of the Cree Health Board provide accessible, high quality care for the population of the region that aims to improve this health status.

90. The Cree Health Board faces enormous challenges in recruiting and retaining qualified medical personnel in the Cree communities. These challenges include high staff turnover, related largely to difficulties associated with the Nordic conditions, isolation and distance.

1. Public Health

91. The Public Health Department of the Cree Health Board aims to contribute to the maintenance and improvement of physical, mental, and psychosocial health in the entire population. The Department also works to reduce health inequities. In particular, this means working with groups who are at increased risk for poorer health outcomes because of the various social factors which underlie peoples' health, such as housing, clean water, and other factors. In Eeyou Istchee, this means that the Department works with other authorities to maintain and to improve the health and well-being of all the Cree.

92. The work of public health is accomplished through four primary functions: (1) continuous surveillance of the state of health of the population and the factors underlying it; (2) promotion of the health of the population; (3) prevention of diseases, psychosocial problems and injuries; and (4) protection of the health of the population.

2. Youth Protection

93. The Department of Youth Protection ("**DYP**") of the Cree Health Board is responsible for administering and delivering Youth Protection services on the Board's territory. These services are provided by community members who speak the Cree language and know the culture and traditions. In addition, the DYP is also responsible for the delivery of primary care services, prevention services, general social services and specialized social services. The DYP seeks to provide culturally adapted services to Cree children and youth and their families.

94. Youth Healing Services ("**YHS**") aims to contribute to the protection, rehabilitation and well-being in all aspects (physically, mentally, emotionally and spiritually) of all youth in its care, through the implementation of programs that provide safety, security and, most importantly, treatment.

95. YHS has 71 employees, including 36 childcare workers and four bush program childcare workers, in addition to the director, coordinator of resources, intake and clinical advisors, administrative and maintenance staff, and security staff. There are also twenty occasional workers. Most employees received training over the year, participating in programs ranging from the National Training Program, the Charlie program for front-line workers, Honoring our Strengths training, Safe Food Handling, and others.

96. YHS operates three facilities around the clock, seven days a week. In Mistissini the Upaachikush Group Home has seven treatment beds, and the Reception Centre has twelve treatment beds and three emergency beds. In Chisasibi, the Weespou Group Home has nine treatment beds.

E. CREE SCHOOL BOARD

97. The Cree School Board was established in 1975 pursuant to Section 16 of the JBNQA. In 1978, the Cree School Board was officially constituted under the *Education Act for Cree, Inuit and Naskapi Native Persons*.[47]

98. The Cree School Board is an independent school board in Eeyou Istchee, the traditional Cree territory. It is recognized by the Ministère de l'Éducation et de l'Enseignement supérieur and serves primarily Cree students in the region. Its education programs are adapted from the general provincial education curriculum to provide Cree language and Cree culture learning.

99. The Cree School Board provides services in three education sectors: Youth Education (pre-school, elementary and secondary education); Adult Education (general education and vocational training); and Post-Secondary Services for college and university levels. The Cree School Board also has supporting departments, which provide services to all the Cree communities and all sectors.

F. CREE WOMEN OF EEYOU ISTCHEE ASSOCIATION

100. In 1999, the GCC(EI)/CNG Annual General Assembly the delegates adopted a resolution calling for the creation of a Cree Women's regional organization, to deal with Cree women's issues, such as family violence, equality rights, equal opportunities, and others.

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47 CQLR, c. I-14.

It took nearly ten years before that resolution was implemented to create the Cree Women of Eeyou Istchee Association (CWEIA).

101. In 2009, CWEIA was legally established as a Cree entity. CWEIA is dedicated to advocating for Cree women's issues, interests and well-being. CWEIA has a network of local boards for the ten Cree communities, including Washaw Sibi, and three urban centres in Val d'Or, Senneterre, and Chibougamau. The regional board of directors of CWEIA consists of a representative from each Cree community. It is affiliated with the Quebec Native Women's Association.

VII. THE COMMISSION

102. Immediately upon becoming aware in October 2015 of allegations of police misconduct towards Indigenous women, including Cree women, in Val d'Or and elsewhere, the GCC(EI)/CNG took action in pressing for concrete measures to prevent and eliminate systemic discrimination and misconduct towards Indigenous women. One such measure, including the establishment of an independent provincial judicial commission of inquiry.

103. On December 21, 2016, the Government of Quebec adopted Order in Council 1095-2016[48] constituting the "Commission of Inquiry on Relations between Indigenous People and Certain Public Services in Quebec: Listening, Reconciliation and Progress" pursuant to section 1 of the *Act respecting public inquiry commissions*.[49] The context outlined in this presentation explains the Commission's wide mandate:

> [TRANSLATION]
>
> THAT the Commission shall have the mandate … to inquire into, to make findings of fact and to carry out analyses in order to make recommendations concerning concrete, effective and durable remedial actions to be implemented by the Government of Quebec and by the Indigenous authorities with a view to preventing or eliminating, whatever the origin and cause, any form of violence, discriminatory practices or different treatment in the provision of the following public services to the Indigenous people of Quebec: police services, correctional services, justice services, health and social services as well as youth protection services; […]

104. The mandate of the Commission is to look into the facts, analyze the issues and make recommendations to improve relations between Indigenous people and the public services concerned. This inquiry is not a criminal proceeding and it is not intended to repeat the criminal investigation carried out in 2016. That said, as Commissioner Viens stated on June 8, it is essential that the Commission take into account the allegations of misconduct in Val d'Or. It was these allegations that brought this Commission into existence. If this

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48 *Gazette officielle du Quebec, Pt. 2*, 11 janvier 2017, pp. 24-26.

49 CQLR c. C-37.

Commission is to accomplish its mandate, it will have to consider the facts that gave rise to its creation.

105. The GCC(EI)/CNG has a direct interest and responsibility in working with the Commission to ensure the safety, security and well-being of all the Crees of Eeyou Istchee, especially those most vulnerable, including Cree women and girls.

106. The GCC(EI)/CNG intends to contribute to the Commission the unique perspective of the Cree of Eeyou Istchee in identifying the issues and in recommending remedial actions. The GCC(EI)/CNG will share its unique experience and expertise acquired over some 40 years in advocating for the rights and interests of the Crees of Eeyou Istchee on a wide variety of subjects, including human rights, health and social services, youth protection services, justice and correctional services and police services.

107. The GCC(EI)/CNG will share its extensive experience and intimate knowledge of the cultural, social, linguistic, economic, technical and geographic challenges in providing the relevant public services to Indigenous persons, both in remote Indigenous communities of Northern Quebec and in more urban centres.

108. The GCC(EI)/CNG and the specialized Cree institutions, including the Cree Health Board and Cree School Board, have expertise and experience in the delivery to the Crees of Eeyou Istchee of culturally appropriate forms of the public services to be addressed by the Commission: police services, correctional services, justice services, health and social services as well as youth protection services.

109. Based on its experience and expertise, the GCC(EI)/CNG will be pleased to assist the Commission in:

(a) identifying culturally appropriate processes for the inquiry in order to enable Indigenous persons, including Indigenous women and girls, to express themselves on their experience and concerns;

(b) facilitating the participation at the inquiry of affected Cree persons, including Cree women and girls, as well as service providers;

(c) shedding light on the systemic issues characterizing relations between Indigenous people and the stakeholders of the concerned public services;

(d) identifying the causes underlying all forms of violence, systemic discrimination and different treatment with respect to the provision of the concerned public services to Indigenous people in Quebec; and

(e) identifying the challenges and culturally appropriate solutions in

(i) preventing and eliminating violence, discriminatory practices and different treatment in the provision of the relevant public services to the Indigenous people of Quebec; and

(ii) delivering the relevant public services to Indigenous persons both in remote, northern Indigenous communities and in more urban centres.

VIII. THE BROADER CONTEXT

110. The harm done to Indigenous people in Canada and Quebec, and the Cree people of Eeyou Istchee, has been well documented. In addition to the specifics of the Val d'Or events, it is necessary to consider the broader context, as it is directly relevant to the Commission's work. The overview provided here is incomplete, but will serve as a basis for further research. It will also serve to orientate the work to be carried out during Phase 2 of the Commission's hearings in the autumn, when Cree individuals, communities and institutions will share their perspective with the Commission.

A. TRUTH AND RECONCILIATION COMMISSION

1. The Policy of Assimilation

111. A good place to start is the Report of the Truth and Reconciliation Commission of Canada established to hear from Indigenous people about their experience of the residential school system.[50] The problem leaps from the opening paragraphs of the TRC Report:[51]

> For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as "cultural genocide."
>
> *Physical genocide* is the mass killing of the members of a targeted group, and biological genocide is the destruction of the group's reproductive capacity. *Cultural genocide* is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and

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50 *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, 2015, www.trc.ca ("**TRC Report**").

51 *Ibid.*: p. 1.

> destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.
>
> In its dealing with Aboriginal people, Canada did all these things.

112. The TRC Report then summarizes the means employed in the effort to destroy Indigenous peoples and their cultures: seizure of land, displacement of communities, confinement of First Nations people on reserve, disenfranchisement of Indigenous governments and people, marginalization of First Nations people from the political, economic and social life of Canada, disempowerment of Indigenous women, outlawing of Indigenous spiritual practices.[52]

113. There was nothing accidental about these measures; they reflected a deliberate policy of cultural assimilation. The TRC calls it "cultural genocide". The motives of the Government of Canada were less than honourable:[53]

> These measures were part of a coherent policy to eliminate Aboriginal people as distinct peoples and to assimilate them into the Canadian mainstream against their will. […]
>
> The Canadian government pursued this policy of cultural genocide because it wished to divest itself of its legal and financial obligations to Aboriginal people and gain control over their land and resources. If every Aboriginal person had been "absorbed into the body politic," there would be no reserves, no Treaties, and no Aboriginal rights.

2. Residential Schools

114. Residential schools formed a key tool to advance the policy of assimilation of Indigenous peoples right up to the latter half of the 20th century. Conditions were often harsh, and ripe for abuse:[54]

> And, Canada separated children from their parents, sending them to residential schools. This was done not to educate them, but primarily to break their link to their culture and identity. […]
>
> Residential schooling quickly became a central element in the federal government's Aboriginal policy. […]
>
> For children, life in these schools was lonely and alien. Buildings were poorly located, poorly built, and poorly maintained. The staff was limited in numbers, often poorly trained, and not adequately supervised. Many schools were poorly heated and poorly ventilated, and the diet was meagre and of poor quality. Discipline was harsh, and daily life was highly regimented. Aboriginal languages and cultures were denigrated and suppressed. The educational goals of the schools were limited and confused, and usually reflected a low regard for the intellectual capabilities of Aboriginal people. For the students, education and technical training too often gave way to the drudgery of doing the

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52 *Ibid.*: pp. 1-2.
53 *Ibid.*: p. 3.
54 *Ibid.*: pp. 2-4.

> chores necessary to make the schools self-sustaining. Child neglect was institutionalized, and the lack of supervision created situations where students were prey to sexual and physical abusers.
>
> In establishing residential schools, the Canadian government essentially declared Aboriginal people to be unfit parents. Aboriginal parents were labelled as being indifferent to the future of their children—a judgment contradicted by the fact that parents often kept their children out of schools because they saw those schools, quite accurately, as dangerous and harsh institutions that sought to raise their children in alien ways. […]
>
> The residential school system was based on an assumption that European civilization and Christian religions were superior to Aboriginal culture, which was seen as being savage and brutal. Government officials also were insistent that children be discouraged—and often prohibited—from speaking their own languages. […]

115. This is not just a story from history books – many Cree today are survivors of the residential school system. So are many other Indigenous people from Northern Quebec. We have seen, and continue to see, the damage this system has done to our people.

3. The Legacy

116. The TRC Report makes it clear that the legacy of the residential schools is still alive today:[55]

> Residential schools are a tragic part of Canada's history. But they cannot simply be consigned to history. The legacy from the schools and the political and legal policies and mechanisms surrounding their history continue to this day. This is reflected in the significant educational, income, health, and social disparities between Aboriginal people and other Canadians. It is reflected in the intense racism some people harbour against Aboriginal people and in the systemic and other forms of discrimination Aboriginal people regularly experience in this country. It is reflected too in the critically endangered status of most Aboriginal languages.
>
> Current conditions such as the disproportionate apprehension of Aboriginal children by child-welfare agencies and the disproportionate imprisonment and victimization of Aboriginal people can be explained in part as a result or legacy of the way that Aboriginal children were treated in residential schools and were denied an environment of positive parenting, worthy community leaders, and a positive sense of identity and self-worth. The schools could be brutal places …
>
> The impacts of the legacy of residential schools have not ended with those who attended the schools. They affected the Survivors' partners, their children, their grandchildren, their extended families, and their communities. Children who were abused in the schools sometimes went on to abuse others. Many students who spoke to the Commission said they developed addictions as a means of coping. Students who were treated and punished

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55 *Ibid.*: pp. 135-136.

> like prisoners in the schools often graduated to real prisons. For many, the path from residential school to prison was a short one.

117. The TRC Report notes as part of the legacy of the residential schools "the grossly disproportionate imprisonment of Aboriginal people, which continues to grow" and "the disproportionate apprehension of Aboriginal children [that] also continues to grow."[56] Madame Vivian Michel supported this finding in her powerful statement on June 5.

4. Calls for Action

118. After canvassing the injuries done by the residential school system, the TRC Report issues 94 recommendations, or "calls for action", to remedy the effects of its legacy today.[57] Some of these recommendations are directly relevant to the mandate of this Commission. Some are addressed to the federal government, but many are addressed to provincial governments as well. Rather than summarize these recommendations, certain of them are set out in **SCHEDULE 1**.

119. Here it will be useful to mention just a few of the TRC Report's recommendations, of special relevance to the mandate of this Commission:

(a) **Child welfare:** Specific measures by federal, provincial and Indigenous governments to reduce the number of Indigenous children in care, in part, by helping to keep Indigenous families together and the provision of solutions to family healing;[58]

(b) **Health:** Measures to close the health gaps between Indigenous and non-Indigenous communities, including funding for Indigenous healing centres to address the physical mental, emotional and spiritual harms caused by residential schools;[59]

(c) **Justice and Police:** Measures to ensure

(i) police independence in the investigation of crimes where the government has its own interest;

(ii) the elimination of the overrepresentation of Indigenous people and youth in custody, and resources to provide alternatives to imprisonment;

(iii) the appointment of a public inquiry into the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls, a

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56 *Ibid.*: p. 136.
57 *Ibid.*: p. 136.
58 *Ibid.*: Recommendations 1–5.
59 *Ibid.*: Recommendations 18–24.

recommendation that has helped to establish the National Inquiry into Missing and Murdered Indigenous Women and Girls.[60]

B. REPORT OF INDEPENDENT OBSERVER, NOVEMBER 2016

120. On November 15, 2016, Me Fannie Lafontaine, the Independent Observer, submitted her report on Phase 1 of the SPVM investigation into allegations of criminal conduct involving SQ officers against Indigenous women in Val d'Or and elsewhere. [61]

121. Me Lafontaine found that the Phase 1 investigation of the SPVM had been carried out with integrity and impartially. She also observed that a criminal investigation was a necessary, but insufficient, response to a profound social crisis. She also made a number of observations or recommendations:[62]

[TRANSLATION]

The particular context of the investigation leads me to make the following findings:

- the urgent need for protection and accompaniment of the victims;`
- the need to clarify rapidly how complaints by an Indigenous person against a police officer will be treated in the future and to carry out an information and awareness campaign for members of First Nations concerning this process;
- the importance of adequate representation of Indigenous persons within this process and of training based on an approach of cultural competence and security;
- the need for a global strategy concerning the question of non-Indigenous police officers;
- the need to shed light on the underlying causes of the current allegations of sexual violence and abuse of power relating to police officers and on the potential existence of a pattern of discriminatory conduct toward Indigenous persons, and especially toward Indigenous women, which denotes the existence of systemic racism within the police forces toward Indigenous persons. The identification of the measures to take to complement the criminal investigation carried out by the SPVM in order to shed light on the more collective and systemic issues requires an official and immediate consultation process between the Government, the police forces and the Indigenous organizations.

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60 *Ibid.*: Recommendations 25–42.

61 *Rapport de l'observatrice civile indépendante, Évaluation de l'intégrité et de l'impartialité des enquêtes du SPVM sur des allégations d'actes criminels visant des policiers de la SQ à l'encontre de femmes autochtones de Val-d'Or et d'ailleurs, Phase 1 des enquêtes.*

62 *Rapport de l'observatrice civile indépendante, Évaluation de l'intégrité et de l'impartialité des enquêtes du SPVM sur des allégations d'actes criminels visant des policiers de la SQ à l'encontre de femmes autochtones de Val-d'Or et d'ailleurs, Phase 1 des enquêtes,* pp. 10-11.

C. REPORT OF OBSERVATORY ON PROFILING, JUDICIARIZATION OF HOMELESSNESS IN VAL D'OR, DECEMBER 2016

122. The Order in Council establishing the Commission expressly refers to the December 2016 report entitled *Judiciarization of Homelessness in Val d'Or* ("**Val d'Or Report**"). Consistent with the findings of the TRC Report and the Social Inclusion Report, the Val d'Or Report draws linkages between the poverty and housing crisis affecting Indigenous communities and the homelessness, health and social problems affecting some Indigenous persons in Val d'Or:[63]

> 1. In the last decade, the number of homeless persons in Val d'Or has increased. This was caused by multiple factors including an increase in poverty, a housing crisis as well as multiple health (both physical and mental) and social problems in the city of Val d'Or and in the Indigenous communities located in Northern Quebec. Homelessness is particularly important among Indigenous people as well as among women and youth.

123. The Val d'Or Report suggests that the these factors, the lack of adequate social and health services, the over-reliance on police officers as first responders and the lack of appropriate training for these officers have all contributed to the creation of misunderstanding and mistrust between Indigenous persons and police officers in Val d'Or:[64]

> 4. Generally speaking, social and health services are insufficient and not enough consolidated to respond to the high and complex psychosocial needs of the population of Val d'Or. Although the situation has improved since October 2015, there is a lack of coordination and linkages between the different social services and intervention sectors. Social actors appear to be responding to the most urgent needs, repeatedly, running the risk of conditions and social problems becoming chronic. Moreover, there are very little resources in the streets themselves – there is a relative absence of street workers - on a regular basis, especially during the evening and overnight.
>
> 5. As a result, the police are too often asked to be first (or only) responders to deal with the tensions and problems related to the presence of homeless people in Downtown Val d'Or. In most cases, police officers have not received any specific training on the history and realties of Quebec First Nations and Inuit prior to taking their position in Val d'Or. In certain cases, the police and homeless people entertain cordial relationships, but generally speaking, we observed misunderstanding and distrust on each side. There seems to be a profound lack of correspondence between the nature of the work performed by police officers, their means and methods of intervention, and the needs and problems of homeless people.

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63 Céline Bellot and Marie-Eve Sylvestre, Observatoire sur les profilgages, *Executive Summary – The Judiciarization of Homelessness in Val d'Or*, December 2016, p. 1.

64 *Ibid*., pp. 1-2.

124. The Val d'Or Report finds a number of indicators of social and racial profiling and systemic discrimination in Val d'Or:[65]

> 20. Based on our previous findings, we conclude that there are several indicators of social and racial profiling and systemic discrimination in Val d'Or against homeless individuals and in particular indigenous individuals who are homeless. These include:
>
> - An absence or lack of social responses and support for homeless people, in particular Indigenous people;
> - Several challenges in terms of integration and access to services in the City for Indigenous people (including housing);
> - High incidence of violence and poverty among this population;
> - Absence or lack of social and health [services] in Indigenous communities as well as important systemic barriers for communities to exercise governance and deal with their social problems;
> - High number of calls against homeless people including indigenous people;
> - The choice to resort to the police (SQ) as first or sole responder to social problems;
> - Massive judiciarization (or criminalization) of homeless people (high number of tickets) and in some cases, the use of the judicial system to obtain fundamental health and social services;
> - Tickets are issued in disproportionate numbers against Indigenous people (75%). Moreover, 95% of those who are over criminalized (10 tickets and +) are Indigenous (100% among those who received more than 15 tickets). It seems clear that law enforcement has a disparate impact on Indigenous people who are homeless.
> - Some indicators of police harassment: 343 people out of 922 received at least once more than one ticket on the same day. 96 individuals received more than two tickets on the same day;
> - The use of incarceration for default payment of fines in cases where individuals are unable to pay (in at least one case, the length of incarceration went up to three years in a federal penitentiary).

125. These findings led the authors of the Val d'Or Report to suggest a number of recommendations pertinent to the work of this Commission:[66]

> **22. Recommendations:**
>
> a. An intervention protocol should be adopted in order to prioritize social responses including by an increase presence of street workers in particular during evenings and over nights. In the case of Indigenous people, such a protocol should be developed with Indigenous communities.

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65 *Ibid*., p. 4.

66 *Ibid*., pp. 5-6.

b. The SQ should issue clear guidelines to the officers to avoid using punitive responses and providing support to social interventions when it is deemed necessary. Such support should not lead to the issuance of a ticket.

c. Community resources should be better coordinated both to respond to emergency situations as well long term social needs. Such resources must be adapted to Indigenous people in accordance with their culture and legal traditions. These services should include mental health services, harm reduction programs in the case of alcohol, as well as specific programs for vulnerable women.

d. A moratorium should be imposed on incarceration for non-payment of fines in Val d'Or, fines should be cancelled and alternative measures should be put in place. The Government of Quebec should modify the Code of Penal Procedure to eliminate the possibility of incarcerating people for default payment of fines in cases where individuals are unable to pay.

e. The Quebec Human Rights Commission should monitor cases of social and racial profiling and systemic discrimination.

f. Finally, research should be conducted to ensure the follow-up of these recommendations.

D. STONECHILD COMMISSION OF INQUIRY

126. When the allegations of police misconduct in Val d'Or came to light in October 2015, Indigenous peoples called for an independent judicial commission of inquiry to look into the allegations and to make recommendations to improve the relations between police officers and Indigenous peoples. At the time, some felt a deep concern that the events alleged in Val d'Or, involving "starlight tours", were disturbingly close to the case of Neil Stonechild.

127. Neil Stonechild was a young Indigenous person whose frozen body was found in a field in Saskatoon in November 1990. The Saskatoon Police Force investigated the death and determined that there was no evidence of foul play. Over the next ten years, the media reported from time to time on the suspicions of the Stonechild family that the Saskatoon Police had not adequately investigated the youth's death. It was suggested that two Saskatoon Police officers had taken Mr. Stonechild to a remote area of the city and abandoned him. There were other complaints against the Saskatoon Police about "starlight tours" of Indigenous persons.[67]

128. Eventually, in 2000, the Royal Canadian Mounted Police were instructed to carry out an investigation into the death of Neil Stonechild and of other persons who had been found dead in remote locations. In February 2003, more than 12 years after the fact, the Minister of Justice of Saskatchewan established a judicial commission to inquire into the

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[67] Honourable Mr. Justice David H. Wright, *Report of the Commission of Inquiry Into Matters Relating to the Death of Neil Stonechild*, October 2004: http://www.publications.gov.sk.ca/details.cfm?p=9462.

death of Neil Stonechild and the investigations carried out by the Saskatoon Police Service and the RCMP.

129. The Commission was headed by the Honourable Mr. Justice David Wright. The Commission began sitting in September 8, 2003, ended its inquiry in May 2004 and submitted its report in October 2004, about 18 months after its formal establishment and just over one year after the start of hearings.

130. The Stonechild Inquiry is mentioned here because certain similarities exist with the present inquiry. First, the Stonechild Inquiry looked into the "starlight tours" given to Indigenous persons by certain police officers in Saskatoon as well as the investigations conducted by the police forces themselves. The Val d'Or crisis was also precipitated by allegations of "starlight tours", although no death has been attributed to them.

131. Second, just as in the Stonechild case, the Indigenous peoples concerned by the Val d'Or events were very disturbed that their allegations of police misconduct were initially referred only to internal investigation by the same police force alleged to have been responsible. Just as in the Stonechild case, it was only when the media brought the Val d'Or events to light that pressure began to mount for an independent inquiry.

132. In the Stonechild case, the Commission of Inquiry found that the investigation into his death carried out by the Saskatoon Police Service was superficial and totally inadequate. The Commission also found:[68]

> In the years that followed, the chiefs and deputy chiefs of police who successively headed the Saskatoon Police Service, rejected or ignored reports from the Stonechild family members and investigative reporters for the Saskatoon StarPhoenix that cast serious doubts on the conduct of the Stonechild investigation. The self-protective and defensive attitudes exhibited by the senior levels of the police service continued, notwithstanding the establishment of an RCMP Task Force to investigate the suspicious deaths of a number of Aboriginal persons and the abduction of an Aboriginal man. These same attitudes were manifested by certain members of the Saskatoon Police Service during the Inquiry.

133. After the Val d'Or events, the Stonechild Commission retained the attention of the Indigenous peoples as a possible model of an independent commission of inquiry, for several reasons. First, the Stonechild Commission carried out its work efficiently and expeditiously, all within 18 months from its formal establishment to the submission of its report.

134. Second, and most importantly, the Stonechild Commission made a number of practical recommendations to improve relations between Indigenous persons and the police in

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68 *Ibid.*, p. 212.

Saskatoon.[69] These recommendations may prove useful for the present Commission of Inquiry. According to press reports, the Saskatoon Police has implemented all of these recommendations, and, as a result, their relations with the Indigenous community have improved significantly.[70] The recommendations of the Stonechild Commission of Inquiry and a press report on its effect are set out in **SCHEDULE 2**.

E. QUEBEC SOCIAL DEVELOPMENT ACTION PLAN FOR INDIGENOUS PEOPLE

135. On December 22, 2016, the day after the Government adopted Order in Council 1095-2016, the Minister for Indigenous Affairs announced the Government's intention to develop a *Government Action Plan for the Social Development of Indigenous Peoples*. The letter indicated the Government's intention to consolidate government efforts relating to social development so as to improve the quality of life in Indigenous communities. The letter invited Indigenous leaders to a consultation meeting to take place in Quebec City on January 25 and 26, 2017. About 100 Indigenous leaders participated in this consultation meeting.[71]

136. A Consultation Document for this initiative was released in January 2017.[72] After referring to the Val d'Or events, the TRC Report and the establishment of the MMIWG Commission of Inquiry, the Consultation Document mentions Quebec's own efforts to support Indigenous social development. It proposes a "radically new approach to social development in First Nations and Inuit populations" through a shift to an integrated action plan "…to create a positive structure for improving the general living conditions of Quebec's Indigenous populations."[73]

137. The Consultation Document indicates that discussions are to be based on two key themes:[74]

- Theme 1: Improving living conditions for Indigenous populations
- Theme 2: Fostering access to Quebec's public services

138. The Consultation Document reviews the background to some of the social issues facing Indigenous communities. These include increasing urbanization, associated with

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69 *Ibid.*, p. 213.

70 http://thestarphoenix.com/news/local-news/the-stonechild-effect-ten-years-after-the-explosive-inquiry-a-look-at-how-one-teens-death-changed-a-city; http://saskatoon.ctvnews.ca/ten-years-later-the-neil-stonechild-inquiry-s-affect-on-saskatoon-1.2070628.

71 http://www.fil-information.gouv.qc.ca/Pages/Article.aspx?aiguillage=ajd&type=1&idArticle=2501261873.

72 Secrétariat aux Affaires autochtones, *Government Action Plan for the Social Development of Indigenous Peoples – Consultation Document*, December 22, 2016 ("**Consultation Document**").

73 *Ibid.*, p. 1.

74 *Ibid.*, p. 3.

weakening bonds with home communities and social stress in some urban centres, as well as a young and growing Indigenous population.[75]

139. The Consultation Document discusses the provision of public services to Indigenous people in terms of a "special legal context":[76]

> Secondly, the action plan must be established in compliance and complementarity with federal and provincial powers. With regard to services (health, education, employment, housing, etc.), the provincial government becomes responsible once the applicant is no longer living on a reserve recognized under the *Indian Act*. The Government of Quebec recognizes that adapting its response to the needs of this growing clientele—a group whose singular cultural traits place it among society's most vulnerable members—calls for the right tools.
>
> The responsibility for community services falls first and foremost upon the federal government, a reality that inevitably curtails the Quebec government's capacity to act. Nonetheless, Quebec places paramount importance on the well-being of the Indigenous populations who live here. […]
>
> [Emphasis added]

140. This passage is noteworthy as it explicitly states that Quebec's responsibility for services (health, education, employment, housing, etc.) to Indigenous persons starts when they stop living on reserve. It asserts that the responsibility for such services in the communities lies primarily with the federal government, limiting Quebec's capacity to act.

141. As noted by Indigenous leaders during the first week of the Commission's hearings, this focus on jurisdictional issues hinders achieving the Action Plan's stated objectives of improving living conditions for Indigenous populations and improving access to Quebec's public services.

142. It should also be noted that under the JBNQA, the provision on Category IA lands (federal jurisdiction) of health and social services, childcare services, police services and certain other services is primarily a matter of Quebec jurisdiction. The question of jurisdiction need not and must not frustrate the implementation of practical measures to address the needs of Indigenous people on reserve.

143. In relation to Theme 1, Improving living conditions for Indigenous populations, the Consultation Document asks a number of questions:[77]

- What are the Government of Quebec's roles and responsibilities in improving Indigenous living conditions both on and off the reserve?

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75 *Ibid.*, p. 3.
76 *Ibid.*, pp. 3-4.
77 *Ibid.*, p. 4.

- On which areas do you believe the Government of Quebec should focus its actions?

  […]

- If you had to identify specific priority actions that could significantly impact Indigenous living conditions, what would they be?

144. Some of the responses to these questions are already clear. It is already known that several factors interact to contribute to many social problems in Indigenous communities: severely overcrowded and substandard housing, lack of access to quality education and social services, lack of jobs and emotional and social stresses.

145. Desperately overcrowded and substandard housing in Indigenous communities, in some cases similar to third world conditions, lies at the heart of the web of social and health issues plaguing Indigenous communities. Overcrowded housing hinders success in school. It creates tension within the family. It breeds conditions ripe for physical and emotional abuse. In so doing, it effectively drives many Indigenous persons to "escape" to urban centres, only to find themselves, at times, homeless and living in the street, prey to violence and abuse.

146. Until the housing shortage in Indigenous communities is addressed through concrete action, other actions will come to nothing. Until Indigenous people are no longer living 10, 12 and 20 to a single house, conditions commonly encountered in Northern Quebec, they will continue to fall victim to violence and abuse both in and outside their communities.

147. Until this single issue is resolved, Indigenous people will continue to be driven from their communities to urban centres, where some will become marginalized. The deployment of more social workers and shelter beds in the cities are, at best, a band aid solution. These measures may perhaps reduce some distress on the margin, but they will not solve the real problem.

F. NATIONAL INQUIRY ON MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

148. On December 8, 2015, the Government of Canada announced the launch of the national Inquiry into Missing and Murdered Indigenous Women and Girls ("**MMIWG**"). Between December 2015 and February 2016, the government held meetings across Canada with survivors, family members and other stakeholders to seek their input on the design and scope of the Inquiry. On August 8, 2016, Canada announced the appointment of the five Commissioners to lead the inquiry and released its terms of reference.[78]

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78 http://www.mmiwg-ffada.ca/en/about-us/background.

149. The terms of reference for the MMIWG Commission of Inquiry,[79] among other things:

> a. direct the Commissioners to inquire into and to report on the following:
>
> i. systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada, and
>
> ii. institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety
>
> b. direct the Commissioners to make recommendations on the following:
>
> i. concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada, and
>
> ii. ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada; […]

150. On August 9, 2016, the Government of Quebec adopted an Order[80] constituting the national MMIWG Inquiry as a commission of inquiry under Quebec law and granting it jurisdiction to look into the same issues in Quebec and to make recommendations for remedial measures. The Quebec Order explicitly referred to "recent event, particularly in Val d'Or and Lac Simon". It was suggested that the MMIWG Inquiry was adequate to look into these events.

151. Indigenous communities strongly disagreed. The Cree Nation took the position that, while the mandate of the MMIWG Inquiry is vitally important, it covers a very wide range of issues, in every province and territory, a very considerable undertaking.

152. In any event, with the establishment of this Commission of Inquiry, the question of overlap with the MMIWG Inquiry is now moot. The terms of reference of this Commission empower it to obtain information pertinent to its work from the MMIWG Inquiry and to communicate to the MMIWG Inquiry any information gathered during the work of this Commission.

IX. NEXT STEPS

153. This Commission of Inquiry has started its important work of looking into the facts in order to make recommendations for remedial actions to prevent or eliminate any form of violence or discrimination in providing public services to the Indigenous people of Quebec.

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79 http://www.mmiwg-ffada.ca/files/terms-of-reference.pdf.

80 Order 711-2016, *Gazette officielle du Quebec, Pt. 2*, August 31, 2016, pp. 4921-4922.

154. In carrying out its work, it is critical that the Commission be able to hear the stories of Indigenous women and men as a first step toward healing and reconciliation. As Vivian Michel of the Native Women's Association stated, there can be no reconciliation until the stories of Indigenous women and men have been heard and the injuries of the past acknowledged.

155. For that to happen, Indigenous women and men must be able to address the Commission in a setting where they feel free to talk. That suggests the need for certain measures; most have been mentioned by other participants and are already under consideration by the Commission:

(a) visits by the Commission to Indigenous communities to listen to the Indigenous women and men with stories to tell;

(b) psychosocial and posttraumatic support for Indigenous witnesses;

(c) simultaneous translation for Indigenous languages where required;

(d) financial support to Indigenous persons and entities for travel, accommodation and legal assistance, where needed.

X. OBSERVATIONS

156. It is premature to advance conclusions, but some preliminary observations are possible on key themes that are already evident. They suggest a number of issues and opportunities for attention by the Commission. The ones mentioned here are by no means exhaustive. Others will emerge when the Commission hears from Indigenous women and men and other participants and interveners in Phase 2 of the hearings.

157. Severe poverty, lack of adequate health and social services, overcrowded and substandard housing, lack of educational and job opportunities and many other factors create health and social stresses in Indigenous communities that lead some Indigenous people to leave their communities for urban centres. There, many are at risk of homelessness, violence and abuse. These conditions are not new; they have existed for many years and, in some cases, are getting worse, not better.

158. One of the most urgent needs in Indigenous communities is the critical shortage of social housing. Until this housing shortage is addressed through concrete action, other actions will come to nothing. Until Indigenous people are no longer living 10, 12 and 20 persons in a single house, conditions commonly encountered in Northern Quebec, they will continue to fall victim to violence and abuse.

159. Until this single issue is resolved, Indigenous people will continue to be forced from their communities to urban centres, where many will be at risk of homelessness and violence.

More social workers and shelter beds in the cities are necessary, but not enough. These measures reduce distress on the margin, but they will not solve the real problem..

160. The Val d'Or events have led many Indigenous people to conclude that the criminal justice system, with its complex rules of evidence and procedure, simply does not work for them. Many feel that the criminal justice system has failed them.

161. Specific and adapted mechanisms must be put in place urgently to allow Indigenous women and men to feel safe in making complaints regarding the police and criminal justice systems without fear of retaliation.

162. Of itself, the criminal justice system is not well suited to address the underlying causes and the effects of systemic discrimination. However, a system which is more inclusive of and sensitive to Indigenous peoples and their reality, values and way of life could contribute to reducing the over-representation of Indigenous people in the criminal justice system.

163. The lack of women's shelters and related programs and services in Indigenous communities force Indigenous women to seek shelter outside their communities. But shelter for them in urban centres is too often lacking, leading to homelessness and the risk of violence and abuse in the streets. The need for specialized facilities and services for women in Indigenous communities must be addressed.

164. The excessive reliance on police officers as first (and sometimes only) responders in the context of social issues involving Indigenous people in urban centres has contributed to creating tension and mistrust between them. Other, better adapted resources must also be deployed to help address these issues.

165. Police officers need better training in the culture and realities of Indigenous peoples. Experience has shown that greater exchange between Indigenous communities and police forces can foster greater understanding, and with it, greater trust and respect, while reducing tensions and the potential for abuse.

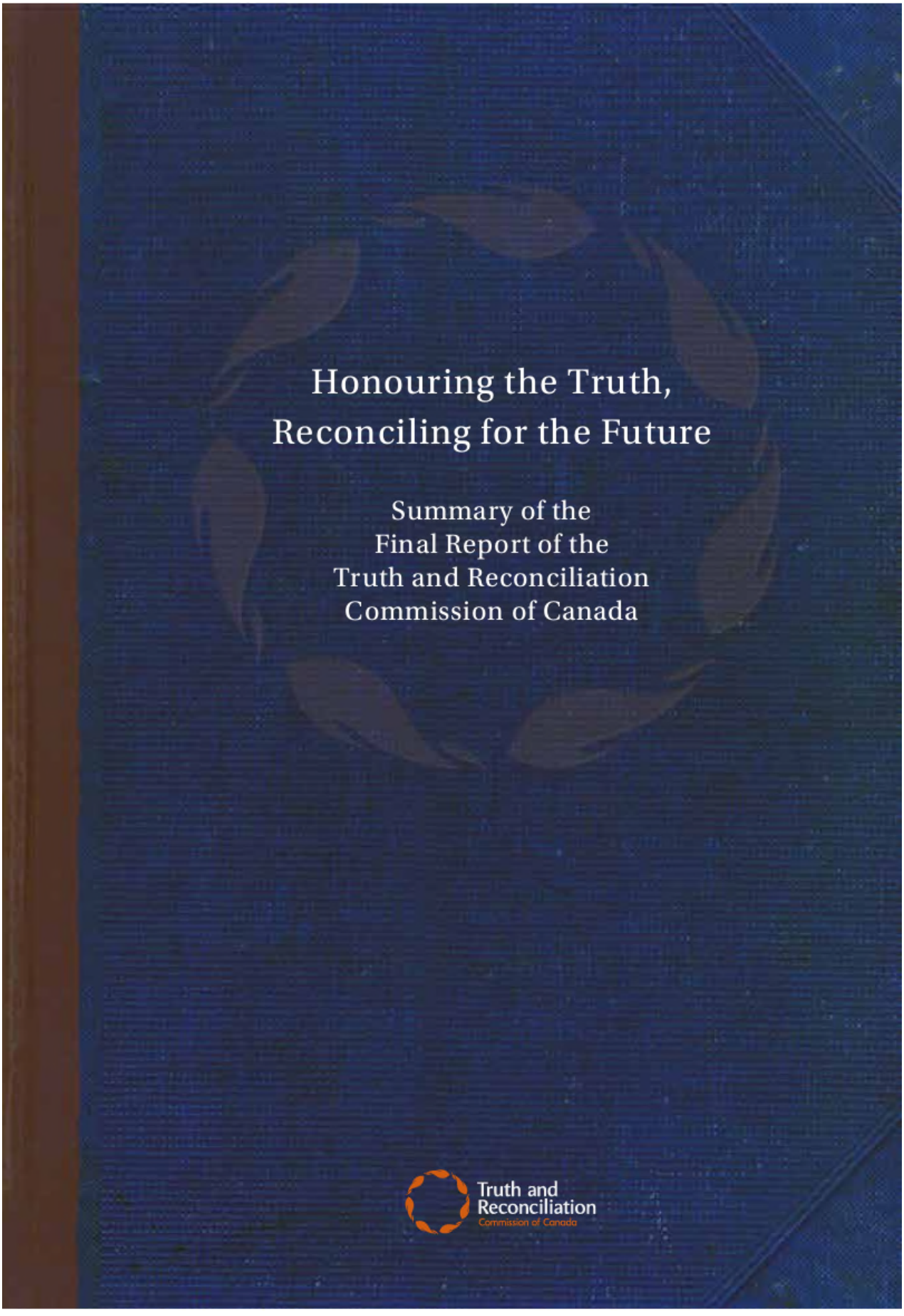
166. More Indigenous police officers need to be recruited, trained and deployed in urban centres, without cannibalizing understaffed and underfunded police forces in Indigenous communities.

167. These problems are well known, and so are their causes. What has been lacking to date is the will to address them. That will require concerted action between federal, provincial and Indigenous authorities, and the commitment of significant new resources. Given its human cost, inaction is not an option. The work of this Commission of Inquiry can and must lead to the action that is urgently needed.

SCHEDULE 1

CALLS TO ACTION

REPORT OF TRUTH AND RECONCILIATION COMMISSION OF CANADA


Honouring the Truth,
Reconciling for the Future
Summary of the
Final Report of the
Truth and Reconciliation
Commission of Canada
Truth and
Reconciliation
Commission of Canada

Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

LEGACY

Child welfare

1) We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
   i. Monitoring and assessing neglect investigations.
   ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
   iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
   iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
   v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2) We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children,

as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

3) We call upon all levels of government to fully implement Jordan's Principle.

4) We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:

   i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.

   ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.

   iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.

5) We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

Education

6) We call upon the Government of Canada to repeal Section 43 of the *Criminal Code* of Canada.

7) We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8) We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.

9) We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.

10) We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:

   i. Providing sufficient funding to close identified educational achievement gaps within one generation.

ii. Improving education attainment levels and success rates.

iii. Developing culturally appropriate curricula.

iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.

v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.

vi. Enabling parents to fully participate in the education of their children.

vii. Respecting and honouring Treaty relationships.

11) We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.

12) We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

Language and culture

13) We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14) We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.

ii. Aboriginal language rights are reinforced by the Treaties.

iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.

iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.

v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.

15) We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.

16) We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.

17) We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

Health

18) We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

19) We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20) In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.

21) We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.

22) We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.

23) We call upon all levels of government to:

    i. Increase the number of Aboriginal professionals working in the health-care field.

ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.

iii. Provide cultural competency training for all health-care professionals.

24) We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Justice

25) We call upon the federal government to establish a written policy that reaffirms the independence of the Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26) We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform with the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.

27) We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

28) We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

29) We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.

30) We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.

31) We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.

32) We call upon the federal government to amend the *Criminal Code* to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33) We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.

34) We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

    i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.

    ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.

    iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.

    iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.

35) We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.

36) We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

37) We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.

38) We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

39) We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40) We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

41) We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:

    i. Investigation into missing and murdered Aboriginal women and girls.

    ii. Links to the intergenerational legacy of residential schools.

42) We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982,* and the *United Nations Declaration on the Rights of Indigenous Peoples,* endorsed by Canada in November 2012.

SCHEDULE 2

STONECHILD COMMISSION REPORT RECOMMENDATIONS

AND PRESS REPORT – TEN YEARS AFTER

Report of the Commission of Inquiry

Into Matters Relating to the Death of Neil Stonechild

The Honourable
Mr. Justice David H. Wright
Commissioner

October 2004

Recommendations

1. That the Minister of Justice undertake a thorough review of *The Coroner's Act,* mindful of suggestions made by Drs. Lew, Matshes, Dowling, and Emson.
2. That the Province of Saskatchewan establish an introductory program for Aboriginal candidates and candidates from minority communities for Municipal Police Services in Saskatchewan. The program could be established at the Saskatchewan Police College and be patterned after that established at the Native Law Centre. The Native Law Centre is an introductory legal studies program offered at the University of Saskatchewan since 1973 to Aboriginal students. The Centre has contributed to a significant increase in the number of Aboriginal professionals in the legal community.
3. That the Minister of Justice establish an advisory board composed of Police Service members charged with recruitment, representatives of the Aboriginal and non-Aboriginal communities and representatives from the private and public sectors who are knowledgeable about employee recruitment. The purpose of the board will be to recommend programs to encourage First Nations persons to enter Municipal Police Service.
4. That the Minister of Justice review and improve procedures established to deal with complaints from members of the public about inappropriate police conduct. Informational pamphlets should be provided in the waiting and interview rooms of all police stations in Saskatchewan explaining the complaint process. The forms should contain a section that can be removed from the pamphlet and used as a complaint form. It should contain directions as to where the form may be sent, either to a particular office in the Police Service, the Board of Police Commissioners, the Saskatchewan Police Commission, or to the Provincial Complaints Investigator charged with dealing with complaints against police.
5. That Municipal Police Services in larger centres should designate an Aboriginal peace officer with the rank of Sergeant, where possible, to act as a liaison person for First Nation persons and as an informal ombudsman to deal with complaints and concerns from Aboriginal and persons from minority communities.
6. That each Municipal Police Force provide to the Minister of Justice an annual report as to complaints about police officers in its service and the disposition of the complaints.
7. That municipal peace officers receive in-depth training in race relations. The training should include information about Aboriginal culture, history, societal and family structures. A refresher course should be provided every three years. It is important that course leaders include Aboriginal peace officers, including members of the RCMP.
8. That a review be undertaken of the courses that police candidates take in anger management and dispute resolution. Given the sometimes highly emotional and stressful conditions officers face in their work, it is important that the first responders be specially trained to react professionally and appropriately.

The Stonechild effect; Ten years after the explosive inquiry, a look at how one teen's death changed a city

JASON WARICK, SASKATOON STARPHOENIX

More from Jason Warick, Saskatoon StarPhoenix (HTTP://THESTARPHOENIX.COM/AUTHOR/JASON-WARICK-SASKATOON-STARPHOENIX)

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Neil Stonechild

Cody Bear was a high school student in Prince Albert when he first heard the name Neil Stonechild.

The freezing death of the 17-year-old Stonechild, the "Starlight Tour" recounted by Darrell Night and other cases had cast a dark shadow on the Saskatoon Police Service. Allegations of shoddy investigations, lies and coverups spurred street protests and drew international condemnation.

Bear had always dreamt of becoming a police officer, but many of his friends and classmates expected these incidents to change his mind. They wondered how anyone, especially a First Nations man, could still consider being a cop.

Bear, with the support of his parents back in the northern community of Stanley Mission, didn't waver. If anything, this ugly, painful period strengthened his resolve. "It made it even more

important for me to try and bridge that gap between aboriginal people and the rest of the city," Bear, now 27, said in a recent interview.

He took policing courses at SIAST, the Treaty 4 Citizens' Police Academy and elsewhere. After serving three years in Regina, Const. Bear joined the Saskatoon Police Service (SPS) in April.

Bear and the 51 other aboriginal SPS officers are the most visible sign of the radical transformation underway, but not the only one.

Ten years ago today, Justice David Wright released his explosive report following a 14-month inquiry into Stonechild's death.

Neil Stonechild was 17 when he died in 1990.

There had been criminal trials, inquests and other public forums on these issues, but Wright's report contained the most comprehensive road map for police to earn back the public's trust.

Today, even the harshest critics from that period say things have improved dramatically. From GPS and video surveillance in cruisers to an independent body investigating complaints against police, every one of Wright's recommendations has been implemented.

"There was pain, but something was born out of that pain," Lawrence Joseph, the vocal former Federation of Saskatchewan Indian Nations chief, recalled in a recent interview. "This process has torn down walls and fences. It has built bridges in our society."

The beginning

Three years before the inquiry into Stonechild's death, a story in The StarPhoenix on Feb. 16, 2000, contained allegations police had dumped Night in a field near the Queen Elizabeth Power Station in the middle of a dangerously frigid night. The reaction was immediate. Saskatoon streets filled with protesters. Amnesty International and a host of other groups demanded action.

Joseph, then the FSIN vice-chief in charge of the justice portfolio, met Feb. 19 with First Nations chiefs from across the province. Many were shaking in anger. Others wept.

Joseph tried in vain to set up meetings with Saskatoon's police chief and provincial and federal officials.

"I had a hell of a time even getting a call back from a low-level functionary. I begged them to do something," he recalled.

Already well-known for his acerbic style, Joseph went on the offensive. In every speech, news conference and public appearance, he demanded answers. When few came, he declared police "cannot and should not be trusted by First Nations people and marginalized people."

When he finally met with a senior justice department official, he said the man alternately insisted on calling him "Lawrence," or "asshole" rather than Chief Joseph. His home was pelted with eggs and

paint ball pellets on four occasions. On two others, explosives were set off in his mailbox. He received multiple death threats.

The inquest

One of the biggest problems was the lack of an independent body to investigate alleged police wrongdoing. Joseph and the chiefs created their own. The FSIN Special Investigations Unit, headed by a former RCMP officer, took more than 2,500 calls in its first few months. It was created for First Nations victims, but many Metis and non-aboriginal people also called.

Ongoing pressure from all directions also provoked a closer look at the 1990 freezing death of Neil Stonechild. The government initially resisted calls for an inquest, but relented in February of 2003.

In his final report, released Oct. 26, 2004, Justice David Wright called the initial police investigation "superficial and totally inadequate." For years, certain officers and their superiors displayed "self-protective and defensive attitudes" around the case, Wright said.

His report then went further than many expected. He concluded Stonechild had been in police custody the night he died, and that marks on his face were likely caused by handcuffs. Wright also accepted the account of Stonechild's friend, Jason Roy, who described seeing a bloodied Stonechild in the back of a police cruiser yelling that police were going to kill him.

"It was an ugly period. A lot of people hated me," Roy recalled earlier this month. His testimony led to death threats and caused him to attempt suicide.

"I like to think I played a role in helping people stand up for themselves," he said.

Cleaning house

In the aftermath, two officers were fired and another was forced to retire. Earlier inquests into the freezing deaths of Lawrence Wegner and Rodney Naistus had proven inconclusive, but two other officers were convicted criminally in the Night case.

Saskatoon's mayor was defeated in his run for reelection by a former officer who broke ranks and spoke out at the inquiry. The police chief was fired, and for the first time, a First Nations woman was appointed to head the city police commission.

"They really cleaned house. It was significant," Joseph said.

When reached at his Saskatoon home this month, Wright said the facts of the case warranted blunt language and strong conclusions.

"I didn't feel restricted in any way.

I really needed to clearly state what happened," Wright said.

Several officers who testified were "less than forthcoming," but many others acted honourably and helped him to get to the truth, he said.

Joseph and others say the real legacies of Wright's inquiry, and of a broader provincial commission which released its final report a few months earlier, are the deeper systemic changes.

Every single suggestion for policing reform has been aggressively implemented, said Chief Clive Weighill.

"We've put every recommendation in place. These didn't sit on a shelf. We took action," he said in a recent interview.

GPS tracking systems now are standard in all cruisers.

"If somebody were to accuse us of taking them out of the city, I can go back three, four, five years. I can tell you where Car 234 was at two in the morning on January 25th. I can tell you where that car went, how fast it was driving and where it stopped," he said.

An audio-video system now tapes activity in front of the cruiser, and another interior camera is activated when police open the back door to place someone inside.

"Officers have no control over that," Weighill said.

Building trust

Major changes were also made in the way public complaints against police are handled in Saskatchewan.

A decade ago, complainants had nowhere to go but to the SPS, which would investigate itself.

Since 2006, all complaints about police conduct have been sent to the Saskatchewan Public Complaints Commission — an independent civilian body — for investigation and decisions.

"It's completely hands-off for us. It's probably one of the leading systems in Canada," Weighill said. Police are now educated on issues ranging from Indian residential schools and colonialism to lack of affordable housing, he noted.

On the streets, the number of aboriginal police officers has nearly doubled since the time of the Stonechild inquiry.

"That's a big push for us," Weighill said.

Const. Cody Bear, a new aboriginal recruit, sits in a police cruiser at the Saskatoon Police Station. *MICHELLE BERG / SASKATOON STARPHOENIX*

An aboriginal summer student program is now in place to entice those considering following in Bear's footsteps.

Against one wall in Weighill's office stands an FSIN eagle staff, given to him by Joseph several years ago to recognize how far the SPS has come.

"We had to earn that," Weighill said.

New attitude

Roman Catholic priest Fr. Andre Poilievre, who has worked with homeless people and gang members on Saskatoon streets for decades, agreed there's been a fundamental shift.

"The Stonechild inquiry really brought to light the weaknesses in the police force," said Poilievre, who convinced Roy to file his complaint and testify. "The police attitude toward aboriginal people has changed radically."

Aboriginal youth are also more likely to stand up for themselves than they were a decade ago, said Darren Winegarden, a Saskatoon criminal lawyer who represented Roy. A renewed sense of identity and cultural pride, combined with the ubiquity of smartphone cameras and social media, mean they're less likely to tolerate racism and injustice, he said.

Police have improved in many ways, but some still harbour a "good guy, bad guy mentality," Winegarden said.

"It's not quantifiable, but it's there."

Future challenges

Although the crime rate is dropping, aboriginal people are crammed into overcrowded prisons with few programs, Poilievre and Winegarden noted. Inmates' phone calls are monitored and many can no longer hug their kids or spouses during visits.

Poilievre called Saskatchewan's jails and prisons "the new residential schools."

And Poilievre, Winegarden, Joseph, Weighill and others agree the justice system is only one part of the solution.

"Police should not be blamed for everything negative," Joseph said. "They need help."

Const. Cody Bear said some people still question his decision to join the Saskatoon Police Service "because of the history here."

He knows there's a lot of work ahead.

"I know change can be tough for one person, but I see myself doing this for a long time," he said.

Timeline

Nov. 24, 1990: Seventeen-year-old Neil Stonechild and his friend Jason Roy leave a house party shortly before midnight, in storming, -25C weather.
Nov. 25, 1990: Roy is stopped by city police constables Brad Senger and Larry Hartwig in the wee hours of the morning. He said they had Stonechild in the back seat of their cruiser, and Stonechild was bloodied, screaming for help and yelling that the police were going to kill him.
Nov. 29, 1990: Stonechild's frozen body is discovered by workers in the undeveloped, industrial 800 block of 57th Street. Sgt. Keith Jarvis of the morality unit is assigned to investigate.
Dec. 3, 1990: Neil Stonechild's funeral is held at Westwood Funeral Chapel, where family observe two parallel cuts on the bridge of his nose.
Dec. 5, 1990: Jarvis concludes the Stonechild file. His report doesn't address why Stonechild was missing a shoe, how he walked nine kilometres to an industrial area in a snow storm, or how he incurred cuts on his nose. Jason Roy's statement that he saw Stonechild in the back of Senger's and Hartwig's cruiser is excluded from the report.
March 4, 1991: StarPhoenix journalist Terry Craig reports Stonechild's mother, Stella Bignell, and sister disagree with Jarvis's report, and suspect foul play.
June 4, 1997: In a regular humour column in the Saskatoon Sun, police officer Brian Trainor describes two fictional cops who pick up a drunk man and drop him off on the outskirts of the city, near the Queen Elizabeth Power Station.
1998: The original file investigating Neil Stonechild's death is destroyed by Saskatoon police during

Jan. 29, 2000: The body of aboriginal man Rodney Naistus is discovered in a field near the Queen Elizabeth power station.
Feb. 3, 2000: Lawrence Wegner's frozen body is discovered near where Naistus was found. Aboriginal man Darrell Night tells police that two officers abandoned him in the same area on a recent cold night.
Feb. 22, 2000: StarPhoenix reporter Leslie Perreaux writes an article that connects Night's allegations with Stonechild's death a decade earlier.
Sept. 20, 2001: Two police officers who admitted to abandoning Night in freezing temperatures near the power station are fired.
Feb. 20, 2003: Justice Minister Eric Cline announces a public inquiry into Stonechild's death.
Sept. 8, 2003: The Commission of Inquiry into the death of Neil Stonechild begins, headed by commissioner Justice David Wright.
Jan. 9, 2004: Police officials announce that all city police cruisers will be equipped with global positioning tracking technology (GPS).
May 18, 2004: Saskatoon police admit to the inquiry that the 1990 investigation into Stonechild's death was inadequate and that mistakes were made. The former police chief Russ Sabo apologizes to Stonechild's mother.
Oct. 26, 2004: Justice Wright releases the final report of the Stonechild inquiry that finds Stonechild was in the custody of Senger and Hartwig on the night he died, and that injuries on his nose were likely made by handcuffs. Senger and Hartwig are suspended.
November 2004: Senger and Hartwig are fired.
Dec. 18, 2008: Senger's and Hartwig's applications to appeal the Wright report findings are denied.

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